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## Words of Wisdom, Words of Prophecy: Why and How Biblical Law Speaks in the Public Square

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### Abstract

*The study of biblical law enables us to pursue justice. Its application involves selecting from a body of discourse and emerges not only from 'rules' but from narrative and worldview. It also means internalizing a fixed text and improvising a faithful response. It is shaped and constrained at every point by practical wisdom. Religious beliefs should not be excluded in principle and cannot be excluded in practice from a liberal democracy. As has always been the case, communicating biblical law means recognizing and surmounting difference through argument, appeal and persuasion. A key part of this communicatory strategy, whether ancient or (post)modern, is fleshing out biblical law in compelling, real-life situations. Questions of application and communication are thus closely linked. Although its application may be counter-cultural, biblical law is comprehensible when instantiated in practical action.*

**Keywords:** Bible, law, politics, prophecy, wisdom.

What is the proper scope and role of 'biblical law'? Is it relevant and authoritative in a pluralist society and, if so, to whom? Are its values appealing and, if so, can they be applied and communicated effectively in a modern political setting? These were among the questions raised at a colloquium held on the book *God, Justice and Society* (henceforth *GJS*) and subsequently published in a special edition of *Political Theology*.<sup>2</sup> This article seeks to build on these and other responses with a view to discovering whether and, if so, how biblical legal texts can be brought into meaningful dialogue with modern law and public policy.<sup>3</sup> The reactions to *GJS* by its reviewers and interlocutors tell us a great deal about the current state of play regarding the Bible and political theology. Although the Editor has kindly granted this opportunity for me to provide a short response I realize it will not be possible, in this article, to provide a response to every deserving point. Fortunately the salient issues will not go away and I hope to engage more deeply with specific issues in future work. Accordingly, I have chosen in this article to take a deliberately broad-brushed approach to just two of the most contested aspects of *GJS*; namely the contemporary application of biblical law and its communication in the public square. Both questions could, of course, be treated at monograph length in their own right and so they are raised with the express intention of inviting further responses – including, of course, from those not present at the colloquium.

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<sup>2</sup> Vol. 14(5), 2013. Dr. Jonathan Chaplin edited this issue with customary flair, for which I am grateful.

<sup>3</sup> The colloquium, held at the Divinity Faculty, University of Cambridge and co-sponsored by the Cambridge Interfaith Project and the Kirby Laing Institute for Christian Ethics, brought together lawyers, biblical scholars and theological ethicists, together with representatives of Christianity, Judaism and Islam to critically engage with the issues raised in *GJS*. Let me take this opportunity to record in print my thanks to Will Kynes organizing the colloquium and especially the ten scholars who presented papers on various issues raised by the book. Careful readers is the greatest blessing for any author. I am also grateful to the Editor of *Political Theology*, David True and his predecessor, Julie Clague, for inviting this response which I was unable to submit at the time of the original publication.

## **1. The problem of contemporary application**

The radicalism of biblical law is cheap unless it is applied. Just as Shakespearean scholarship should lead naturally to more authentic, better grounded and more inspiring performances of his plays, so the study of biblical law should enable us to be better equipped to do justice. The sharp intake of breath that will accompany this statement, in political circles, reminds us that we live in a split-level, post-Enlightenment world where ‘the Bible’ and ‘politics’ are neatly assigned to separate spheres. We also hear a gasp from biblical scholars who have been equally adept at avoiding the subject. To a large extent, the methods developed in biblical scholarship over the last 200 years have been the product of a worldview that was not exactly open to the challenge and application of biblical law. There was not much intention of treating biblical law as radical texts to challenge the world and there is a sense in which some scholarly techniques have been developed to remove that risk altogether.

This remains the case, despite the upswing in books about biblical law over the past thirty years. Even among those who have made biblical law and ethics their primary focus of study there is resistance to the question of contemporary application. As N. T. Wright says: “We have ways of making texts silent.”<sup>4</sup> The prejudice against biblical law has grown so strong it has reached the point where, it seems, scholars feel obliged to ignore questions about its application lest they be thought unscholarly.

### **(a) Overcoming objections to applying biblical law**

The conventional line is that we cannot speak of applying biblical law because: (i) it ignores the fact of political pluralism; (ii) one cannot ‘impose a blueprint’ on society and (iii) that the social effects of applying biblical law would be destabilising. These concerns are ill-founded, however.

First, the application of biblical law need not obscure the realities of political pluralism. The biblical hope that “the earth will be filled with the knowledge of the glory of the LORD as the waters cover the sea” (Hab. 2:14) is, ultimately, future. In the present, we are committed to working within a pluralist society. That includes the political expression of religious political pluralism as well. No-one expects to see, in the here and now, the total saturation of public life with a single ethic of biblical law. In a pluralistic world Christians – even at their most united – will be only one group of players among many (which also means we cannot control, or even predict, the results of our engagement). Nonetheless that is no reason not to get stuck in. Christians, for example, should seek to manifest their future hope in the public square as an ‘inaugurated eschatology.’ Even if we are not successful in changing things we can still bear witness to an alternative. Appropriating the wisdom of biblical law helps with discerning strategy. Should the focus, at this moment, be on the environment, or constitutional reform, or immigration or ethics of the self? Unless we can learn to handle the sources well, our interventions may be random.

Second, the notion that we are applying some sort of ‘blueprint’ is a caricature. *GJS* makes it clear we are talking about the integration of different instructional genres in the Bible. We are interested in applying the wisdom of biblical law, not a blueprint. Transposing these concerns, which are expressed in specific, not abstract terms, into the key of another time and

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<sup>4</sup> N. T. Wright, *Paul and the Faithfulness of God* (London: SPCK, 2013), 817.

place is not to apply a blueprint. Nor is the choice between treating the subject as a blueprint and ignoring it altogether.<sup>5</sup>

Third, it is objected that the application of biblical law to contemporary society will be ‘destabilising.’ It certainly is disruptive to modern-day Gnostics (within and outside the church) who think ‘religion’ should only be concerned with ‘private spirituality.’ If so, it is about time. We can equally frame the application of biblical law positively in terms of the biblical, political, tradition of ‘seeking the welfare of the city.’ This means stabilising and enhancing what is good in a manner that can and should be deeply constructive.<sup>6</sup> And whereas in the ancient world ‘seeking the good of the city’ might take the form of donations via ‘public works’, in a liberal democracy an appropriately updated form of ‘seeking the welfare’ should include engaging in all aspects of the policy-making process. Critics could at least pause to consider what advocacy of biblical justice in the public square actually looks like in my understanding, including my work on *Relational Justice*,<sup>7</sup> prosocial regimes in prisons<sup>8</sup> and a community context for immigration as examples.<sup>9</sup> Against such concrete examples of application – in the very field of punishment no less!<sup>10</sup> – we can unmask as feeble the implication that the practice of biblical law is somehow remiss.<sup>11</sup>

The problem is that we haven’t applied biblical law where it needed to be or, where we have attempted application, we haven’t been radical enough. If so the answer to the problem of relating biblical law to modern culture is not less “applied biblical radicalism”<sup>12</sup> but, in a carefully considered sense, more of it. This can only emerge from a more informed and sophisticated understanding of what biblical law is and what it is saying that leads to a fuller and better critique of existing structures and which seeks a greater and deeper transformation.

How do we do this? In contrast to the prevailing view that the application of biblical law cannot be attempted, I suggest the following. Applying biblical law necessarily involves selection from a body of discourse; it emerges not from ‘rules’ but from narrative and worldview; it means internalising a fixed text and improvising a faithful response and it is shaped and constrained by practical wisdom.

We shall consider each in turn.

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<sup>5</sup> Miroslav Volf informs us: “Christ has not come with a blueprint for political arrangements...” (*A Public Faith*, Grand Rapids, Mich.: Brazos, 2011, p. xvi). Indeed not. But Christ nevertheless embodies *Torah* which does carry inescapably social and political challenges.

<sup>6</sup> Being ‘good citizens’ under pagan rulers is of course one aspect (not the only one) of the classic Jewish tradition of living under a pagan regime, going back as far as Jeremiah.

<sup>7</sup> Jonathan Burnside and Nicola Baker (eds.), *Relational Justice: Repairing the Breach* (Winchester: Waterside Press, 1994).

<sup>8</sup> Jonathan Burnside (with Nancy Loucks, Joanna R. Adler and Gerry Rose), *My Brother’s Keeper: Faith-based units in prisons* (Cullompton: Willan Publishing, 2005).

<sup>9</sup> Jonathan Burnside, *The Status and Welfare of Immigrants* (Cambridge: Jubilee Centre, 2001). Although come to think of it these sort of policies might indeed seem like the end of the world to a certain readership.

<sup>10</sup> Jonathan Burnside, ‘Criminal Justice,’ in *Jubilee Manifesto*, eds. Michael Schluter and John Ashcroft (Leicester: InterVarsity Press, 2005), 234-254.

<sup>11</sup> Nicholas Sagovsky, “Review of *God, Justice and Society*,” *Ecclesiastical Law Journal* 14 (2012): 442-445, cautions his readers, at 444: “My sense is that this is a book [referring to *GJS*] for all its scholarship, to be used with care.” Well, naturally. I presume Sagovsky expects his book on *Christian Tradition and the Practice of Justice* (2008, London: SPCK) to be used “with care” as well.

<sup>12</sup> Chaplin’s term for the implications I draw from biblical law for contemporary society. Jonathan Chaplin, ‘Editorial,’ *Political Theology* 14 (2013):565-572, 567.

**(b) Application necessarily involves selection from a body of discourse**

One aspect of the problem of applying biblical law is the persistent tendency to view it in an ‘all or nothing’ manner.<sup>13</sup> It is assumed that if we are not advocating, say, the stoning of children – to use Nevader’s emotive example – I am being ‘inconsistent’ and so the game is up.<sup>14</sup> But matters are hardly that simple.

Take, for example, how lawyers interpret the law. Modern law consists of a wide range of material that is explicitly legal (including all manner of primary and secondary legislation) as well as (so the legal philosopher Ronald Dworkin would argue) material that is implicitly legal (e.g. values, principles and implicit assumptions).<sup>15</sup> They are all part of ‘the law.’ For a Dworkinian lawyer it is all equally authoritative in the sense that it is all, equally, a resource which the judge (or any other legal interpreter) can draw on in reaching a legal decision. But that does not mean it all ‘applies’ to the instant case in exactly the same way. Far from it. In reaching a decision the judge is guided by considerations of consistency to the past and considerations of justice to create the most plausible and appealing account of the law that s/he can. A process of selection is going on with the result that not every element within the resources available to the judge will favour the final decision. But we do not thereby conclude that the judge has not ‘applied the law’ or that the process of application is arbitrary. This is because law consists of a whole body of discourse and thinking which guides the judge one way or the other in reaching a decision.

Without advocating a Dworkinian reading of biblical law – for one thing, Dworkin can be criticised as subordinating legal texts to the morality of the individual judge – my general point is we should not assume that because we are not ‘applying’ one bit of biblical law (e.g. ‘stoning children’) in one particular way (impliedly, in a literal manner) that we cannot speak of ‘applying’ any of it. This is not how modern law works and I do not think it is a sensible reading of biblical law either. We should see the whole of biblical law as a body of discourse and thinking that provides resources and direction for us in responding to current issues. At the same time we cannot, as it were, start with our preferred account of public policy (the free market over socialism, say) and then construct a biblical social vision to match. In this respect my approach differs from Dworkin inasmuch as I regard legal texts (in this case, biblical legal texts) as possessing more authority than Dworkin is prepared to admit. Our present ideas, of social justice or whatever they might be, are open to challenge by the biblical texts at every point. It goes without saying that certain texts are bound to speak in certain times and places far more sharply than others. There is hard thinking to be done and we have to be prepared for a potentially dangerous political stance.

This means that the question of applying biblical law is not straightforward. It can’t simply be reduced to a matter of ‘what rules does the Bible have on this subject?’ or ‘what does the Bible expressly say?’ about this or that. Instead, it means drawing on and being aware of a host of contextual beliefs, values, narrative and worldview in which we are active participants, as McConville recognizes.<sup>16</sup> It means recognising, as William P. Brown puts it,

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<sup>13</sup> E.g. Sagovksy, “Review”, noting Christian refusal to accept “many of the Torah’s instructions” including “its provision for... stoning” (444). The implication is that if we can’t apply (say) the death penalty for adulterers we don’t have to apply any of it. This is such an oversimplified caricature of the question of application that it doesn’t begin to engage with the issues.

<sup>14</sup> Madhavi Nevader, “At the end returning to questions of beginnings,” *Political Theology* 14 (2013): 619-627, 626, n. 25.

<sup>15</sup> Ronald Dworkin, *Law’s Empire* (Oxford: Hart, 1988).

<sup>16</sup> Gordon McConville, ‘Biblical law and human formation,’ *Political Theology* 14 (2013), 628-640.



the “*formative* as well as normative, impact that Scripture *qua* Scripture makes upon reading communities”<sup>17</sup> (emphasis original). If biblical law has a role to play in shaping basic worldview, values and identity then clearly this is not something that can suddenly be switched on when a moral dilemma presents itself. What is required, as Bruce C. Birch and Larry L. Rasmussen recognize, referring to the use of the Bible generally in ethics, is “long-term nurturing of the community of faith.”<sup>18</sup> If the distinctive social vision of biblical law has not already been internalized it can hardly be drawn on appropriately or effectively in the face of a given social challenge. This underlines the need, once again, for biblical law to be widely known and understood (not least in our churches) so that it informs the worldview out of which reading communities seek to be salt and light in public life.

This, indeed, is how the application of biblical law has always been done, at least as far back as the Second Temple period. N. T. Wright’s massive study of Paul in his Jewish world makes it clear that even in a Second Temple political setting, *Torah* was not interpreted or applied purely as a matter of ‘rules.’ Instead, it was understood in the context of a broader narrative and worldview relating to election and eschatology (and, needless to say, such applications were highly political).<sup>19</sup> But how is the ‘selection’ to be done? This brings us to the next section.

**(b) Application means internalising a fixed text and improvising a faithful response**

As an interpretative text, modern law is not fixed. It is open-ended because it is always being added to either, say, by Parliament or through adjudication. This means that modern legal interpreters, according to Dworkin, whilst they are constrained by existing legal resources, also control the law. The law is therefore free, in the future, to move in any direction. It can, in fact, become anything. This is not true in regard to biblical law. The canon is closed. Barring any spectacular archaeological discoveries, there is no ‘new’ biblical law. Unlike modern law we are interpreters of a fixed text, such as a play. In that sense our position as interpreters seeking to apply biblical law is closer to that of the Shakespearean performers noted at the start of this section than it is to the modern judge. However old the play, actors and directors have little problem identifying themes that might resonate with the modern world or which challenge it in some way. They have the sense to recognize that this is just what good texts do. Unlike modern-day biblical scholars, however awkward the play or embarrassing the dialogue they don’t take it on themselves to rewrite it or concoct an earlier version.

Our challenge is that although we have a fixed text in the form of the Bible, we don’t have a ‘script’ that tells us exactly what to do or what lines to say in regard to contemporary application. In that respect we are more accurately cast in the position of those who are performing a play whose final act has been lost.<sup>20</sup> Of course, we could just perform the extant text but that would be unsatisfying. The audience wants to know how the story goes on (and ends). In terms of the application of biblical law it is the equivalent of treating the text as an

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<sup>17</sup> William P. Brown. ‘Preface.’ In William P. Brown (ed.) *Character and Scripture: Moral Formation, Community and Biblical Interpretation* (Grand Rapids: Eerdmans, 2002), xi-xvi, xi.

<sup>18</sup> Bruce C. Birch and Larry L. Rasmussen, *Bible & Ethics In The Christian Life* (Minneapolis: Augsburg, 1989), 181.

<sup>19</sup> Wright, *Faithfulness*, *passim*.

<sup>20</sup> This illustration is derived from N. T. Wright, “How Can the Bible be Authoritative? (The Laing Lecture for 1989),” *Vox Evangelica* 21 (1991): 7-32, 18-19. I note the debate between Wright and Vanhoozen regarding the number of dramatic ‘Acts’ and their content, though it makes no difference to my use of Wright’s illustration.

historical artefact and not engaging in any practical application. Our application in different times and places will be different. We need to know what it looks like, for us, today. How do we 'apply' the play in terms of continuing the performance? The answer must involve thoroughly internalising the fixed text and improvising a performance that is consistent with the story so far.<sup>21</sup> The same is true in regard to applying biblical law. In the case of a Christian interpretation of biblical law, the 'story' includes not only the early parts of *Genesis* and the entire story of Israel from Abraham to the Messiah but also the story of Jesus, His birth, life and resurrection. And since the New Testament gives hints of how this story is going to end (e.g. Romans 8; 1 Corinthians 15 and parts of *Revelation*) a Christian 'performance' also needs to be in long-range continuity with the expected ending as well. Other groups seeking to perform the play will, of course, have their own ideas about what constitutes the broad narrative and the corresponding constraints. Regardless, the point is that there is a freedom to be creative and to improvise in ways that are consistent with the 'fixed text.' What we can't do is simply take bits out of the play and repeat them in any straightforward sense. Given the lack of engagement between biblical law and politics this will undoubtedly be hard, in both directions.

The parallel between 'application' and 'performance' is not as loose as it sounds. There is a constant imbrication in the Bible between law and narrative; even Moses' closing address to Israel in *Deuteronomy* is wrapped up in prophecy as it looks further down the line to events that will happen far in Israel's future (Deut. 28-32). There are also plenty of reasons for thinking that the individual laws themselves make sense in narrative terms. Indeed, it's this that allows them to be applied paradigmatically.<sup>22</sup> The corresponding exercise of judgment ('how similar is this case to that?') is not unlike the question that gets asked in improvisation ('how well does this fit with what has gone before?'). Indeed, the case of the widow of Tekoa described in 2 Sam. 14:1-17 (where a litigant spins what is in fact a fictional case before King David designed to parallel the king's domestic situation without skimming too close to the reality) is a virtuoso piece of theatrical improvisation. We are further justified in drawing this parallel by virtue of Aroney's observation regarding the implicit anthropologies at play in interpreting biblical law.<sup>23</sup> It is precisely because the forms of legal authority, legal reasoning and legal practice are explicitly presented in relational terms – in the context of dialogue and the deeper discovery of God – that the model Israelite judges are Moses and Solomon.

At every stage, working out the 'applied biblical radicalism' is governed by the controlling narrative which, in the Hebrew Bible, is the story of rescue and redemption in the Exodus and, following the trajectory on through to the New Testament, in God's self-giving love. To bluntly claim that biblical law is inherently oppressive ignores the identification demanded by the text. *Torah* is given in the context of a story of slaves being set free. As the opening words of the Ten Commandments (Exod. 20:2) and the Covenant Code (Exod. 21:2-11) indicate, Israel is freed precisely so as not to become new oppressors. The narrative context is intended to insulate subsequent practice from perpetuating the same oppression. Intentions may not always be made good but they are important nevertheless. It means that whereas a

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<sup>21</sup> Or as Wright puts it "... speaking and acting with both *innovation* and *consistency*" (italics original); *ibid.*, 19.

<sup>22</sup> See generally Bernard S. Jackson, *Wisdom-Laws: A Study of the Mishpatim of Exodus 21:1-22:16* (Oxford: Oxford University Press, 2006).

<sup>23</sup> "[Burnside's] argument assumes an epistemology in which we human beings *are* able to comprehend the *ratio* of the revealed laws, but that we must do so through the exercise of our natural reason *and* through a disciplined encounter with the words (and images) of Scripture which challenge and question our most fundamental beliefs and practices" (italics original); Nicholas Aroney, 'Divine law, religious ethics, secular reason' *Political Theology* 14 (2013): 670-685, 683.

‘thin’ account of biblical law might promote a particular sectional self-interest (or no application at all), a ‘thick’ account points away from promoting any single self-interest towards building a relational society.<sup>24</sup> Ultimately, the reason for pursuing ‘applied biblical radicalism’ is out of a conviction that, at the heart of biblical law, lie important resources for creating and sustaining a relational society.

**(c) Application is shaped and constrained by practical wisdom**

All this means that the call for “clear guidelines”<sup>25</sup> in applying biblical law is simply the wrong request. (I note in passing that no-one feels the need for equivalent hermeneutical ‘guidelines’ to justify the lack of application of biblical law). Does a theatre director, by analogy, need to publish clear guidelines to justify transposing the text of *Richard III* into a fictionalized, Fascist version of Britain in the 1930s? Though I do not attribute this to my interlocutors I suspect part of the demand for drawing up guidelines is to exercise some control over the issues biblical law can speak about, and how. The fact is there is never any particular difficulty with ‘applying biblical law’ provided it fits in with the prevailing orthodoxy and reaches what is deemed to be the ‘right result’ politically. The ‘love for neighbour’ command (a prime example of biblical law!) is happily bandied around the political arena on issues as diverse as same-sex marriage and assisted suicide without anyone feeling any need to raise questions about hermeneutical guidelines and communicatory strategies.

In fact there are constraints in determining what ‘counts’ as a successful application of biblical law in the modern world. But they are not and cannot be formal ‘guidelines’ because the only constraints on offer are those of practical wisdom. The application of biblical law (like everything else) needs to be re-evaluated in each generation. It always needs transposition into a new key. The question of how exactly ‘biblical radicalism’ applies is something that can only be determined on a case by case basis. That isn’t to say there aren’t foolish applications of biblical law just as there are some bad legal decisions and awful performances of Shakespeare. The proper response to this problem is not to close it all down (imagine the backlash in favour of artistic freedom!) but to learn, where necessary, to do it better. Where the application of biblical law leaves much to be desired, further prophetic ministries, from whatever quarter, are required to challenge and correct what has been said or done. Either way we simply have to learn to wrestle with it. We have to see the central issue, as Walter Moberley remarks in a different context, as being “the constant struggle faithfully to understand, appropriate and embody a given reality.”<sup>26</sup>

It could be objected that I am still not being specific enough. Nevader objects that: “At best... we are in a position whereby we are governed by a rather amorphous “biblical inclination.”<sup>27</sup> In principle, there is nothing to take issue with such an outcome—but, again, what is it that governs such an inclination? God imaging? Relationality? Vocation? Covenant? And is the last really so different from the social contract that grounds liberal democracy?” (Answer: it surely is). But it is interesting that each of the other elements she intuitively is, indeed, all

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<sup>24</sup> This will not prevent opponents from labelling such radicalism as ‘oppressive’ (e.g. restrictions on Sunday trading laws could be said to be ‘oppressive’ to consumers). But anything can be labelled either as a “restriction upon” or “freedom from” (e.g. current Sunday trading laws are ‘oppressive’ to workers who want to go to church or spend time with their family).

<sup>25</sup> Nevader, “At the end,” 625.

<sup>26</sup> R. W. L. Moberley, “Is monotheism bad for you?,” in *The God of Israel*, ed. R. P. Gordon (Cambridge: Cambridge University Press, 2007), 94-112, 102.

<sup>27</sup> Nevader, “At the end,” 626.



aspects of biblical wisdom, which illustrates my point. In fact, and in keeping with the biblical character of wisdom and the particularity of biblical law, I have been highly specific about what it means to ‘apply’ biblical law and in which contexts.

To sum up, although this will be unsatisfying for the critic who just wants a checklist of what’s ‘in’ or ‘out.’<sup>28</sup> No such list can be provided. It is all authoritative and it is all to be counted ‘in’ but how it gets applied calls for wisdom. I would not wish to provide a different descriptive or justificatory criteria than that which biblical law provides for itself. For better or worse biblical law must be understood in terms of wisdom; so too must its application. This is only appropriate, because wisdom is for the world.

## **2. The problem of communication**

Though we may be persuaded that biblical law is authoritative; that it is normatively coherent; that it is good and that it can be applied in the modern world, we will still get nowhere unless this can be communicated. The split-level world of Enlightenment thought does not provide us with helpful language for talking about the contemporary application of biblical law but this should not stop us from trying to come to grips with the reality in question and trying to find strategies for its communication. Yet to what extent is it possible to use biblical law to critique public issues in a way that might be persuasive to secular discourse and public institutions? After all, if it is indeed the case that the public square is more suspicious of religious discourse nowadays, how much harder is it to be heard when we are promoting what is seen as being the most authoritative parts of the Bible (in terms of their modality) as well as the most unpopular?

### **(a) Biblical law and public reason**

The major stumbling-block to communication, so it is said, is the requirement of the liberal secular state that personal or subjective convictions, such as religious faith, cannot be admitted to political reasoning. This is one of the key assumptions of John Rawls’ *Political Liberalism* – one of the ‘sacred texts’<sup>29</sup> of liberalism – on the grounds that religious beliefs are partial and subjective and cannot be held by all reasonable persons.<sup>30</sup> Only universally shared or accessible forms of reasoning are allowed to inform public discourse. This is said to ensure equality of participation among citizens but has the effect of privileging secular reason as the *lingua franca* of liberal democracies. The key issue, for Rawls, is the role of religious reasoning in the public justification of laws. Religious reasoning may have a place in public discourse at the level of background culture but cannot be decisive in justifying coercive laws.<sup>31</sup> In his later work Rawls concedes that religious reasons may be offered in political debate concerning laws but only if proper public reasons are also given. The latter are necessary because they do the real work of justification. As Chaplin aptly puts it, religious reasons must be ‘chaperoned’ by public reasons; they cannot go out unaccompanied.<sup>32</sup> The

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<sup>28</sup> E.g. Sagovsky, “Review,” 444-445. We are not going to find a simple proof-text from which we can hang all the weight regarding the contemporary application of *Torah*. Of course, if we are in the habit of looking for a simple proof-text we are probably not going to be willing to do what needs to be done in terms of relating *Torah* to the public square.

<sup>29</sup> I use the term provocatively to indicate how the secular is nothing if not religious. The former Lord Chief Justice, Tom Bingham, concludes his book on *The Rule of Law* with the claim that this very concept is “the nearest we are likely to approach to a universal secular religion” (London: Penguin, 2011), 174.

<sup>30</sup> John Rawls. *Political Liberalism* (New York: Colombia University Press, 1996).

<sup>31</sup> This is particularly evident in “The Ideal of Public Reason Revisited”, *University of Chicago Law Review* 64 (1997):765-807.

<sup>32</sup> Jonathan Chaplin, “Law, Religion and Public Reasoning”, *Oxford Journal of Law and Religion* 2 (2012):319-337.

dominance of this particular mode of thinking is why Sagovsky, for example, objects to *GJS* for its incompatibility with the Rawlsian ideal.<sup>33</sup>

However, it is high time to turn the liberal critique upon itself. Much could be said about this but we can note the following. First, although everyone is expected to bracket out their ‘irrational’ convictions (at least when it comes to the crucial matter of public justification), the effects upon persons of faith are said to be unfair in practice. In exercising citizenship the moral convictions of religious persons are excluded (or at least rendered second-class) but not the moral convictions of rational persons. Religious persons have to accept that their worldview cannot be decisive in political debate, whilst secularists surrender nothing.<sup>34</sup> This clearly privileges secularist discourse both as a matter of principle and in practice, for when religious values are rendered second class secularist reasoning fills the gap. But why should we be more suspicious of an ethical worldview that has a religious basis than one based on recent, atheistic, philosophy? Is it really the case, as Graham asks, that non-theological reasoning is “less subjective or partial than any other form of public discourse”?<sup>35</sup> Second, the effects of this requirement are also said to be illiberal. Liberalism prides itself on its commitment to *liberté* and *fraternité* yet here it behaves illiberally insofar as it prevents religious people from engaging in the public square in a manner their faith may well require. The lack of freedom and inclusivity threatens the project of political liberalism itself.<sup>36</sup> Third, it has the effect of hollowing out even democracies that identify as ‘secular’ insofar as they are based on ideas that are not wholly grounded in secular reason. To the extent that these democratic ideas are instead rooted and dependent upon religious values, the practice of excluding faith from public debate is counterproductive.<sup>37</sup> If the religious roots of such a supposedly ‘secular’ society are not nurtured, how can that society survive in anything like its existing form? It is optimistic to think Judaeo-Christian values can survive without a Judaeo-Christian society. Why should we expect the fruit without the root? Fourth, we may question whether pragmatism is sufficient to do all the ethical spadework that may be required, especially where human dignity and flourishing are concerned.<sup>38</sup> We can equally question whether it is sufficient to establish consensus. Fifth, it assumes there is no “principled public realm beyond the pragmatism of our instrumentalised actions?”<sup>39</sup> What if that assumption is wrong? Suppose there is, in fact, a common frame of reference, other than the purely rational? Finally, it fails to recognize that religious beliefs survive (and may have enduring legitimacy) precisely because they are “capable of engaging with dimensions of human

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<sup>33</sup> Sagovsky, “Review,” 444.

<sup>34</sup> For a rebuttal of the Rawlsian view see Christopher Eberle, *Religious Conviction in Liberal Politics* (Cambridge: Cambridge University Press, 2002). Chaplin, “Law, Religion and Public Reasoning” provides an overview of the debate.

<sup>35</sup> Elaine Graham, *Between A Rock And A Hard Place* (London: SCM Press, 2013), 65. See also Rex Ahdar, “Is secularism neutral?” *Ratio Juris* 26 (2013): 404-429.

<sup>36</sup> Volf, “Public Faith,” 165, n. 18.

<sup>37</sup> Charles Taylor’s *A Secular Age* (Cambridge, Mass.: Belknap Press, 2007) draws attention to the Christian roots of humanist universalism whilst Francis Spufford’s *Unapologetic* (London: Faber & Faber 2013), 168 notes how “the emphasis on people being lovable to God irrespective of what they deserve laid the groundwork for the idea of there being rights owed to people irrespective of their status, their behaviour [or] their capabilities.” Marilynne Robinson, writing of the Declaration of Independence, claims it is only ‘self-evident’ that ‘all are created equal’ if there is a prior, religious, conception of the person. Marilynne Robinson, ‘A Common Faith.’ [https://www.guernicamag.com/features/robinson\\_03\\_01\\_2012/](https://www.guernicamag.com/features/robinson_03_01_2012/); accessed 1 August 2015. It sometimes seems that, despite all the sound and fury often directed against the Bible in public life, there remains a profound sense in which secularism simply accepts the Bible and its values without even questioning them.

<sup>38</sup> Habermas, J. “An Awareness of What is Missing,” in *An Awareness of What is Missing*, J. Habermas et. Al. (Cambridge: Polity, 2010), 15-23.

<sup>39</sup> Graham, *Rock And A Hard Place*, 104.

experience not immediately accessible to a discourse of pure reason”.<sup>40</sup> To sum up, religious beliefs should not be excluded in principle and cannot be excluded in practice from liberal democracy or any other kind of society.

**(b) The public justification of biblical law**

The other major stumbling-block to communication is Jürgen Habermas’ view that should religious ideas be admitted into the public square, a means must be found of ‘translating’ them into a form suitable to function as authoritative political reasons in lawmaking.<sup>41</sup> We may question whether Western countries do in fact share a “set of secular philosophical criteria and ethical values in terms of which political debate is conducted.”<sup>42</sup> If not, what is the point of conforming to this requirement? Even if such values do exist, why should the concerns of biblical law (say) be processed according to the dominant ideology of the culture? How can we be sure we are not screening out the very thing that is important?<sup>43</sup> Moreover, why should we assume this cultural accommodation is itself a responsible hermeneutic, especially if what needs to be challenged is the dominant culture itself? Even if one agreed with Habermas’ requirement, how we would go about producing this “civic Esperanto”<sup>44</sup>?

Bernard Jackson, in his response to *GJS*, highlights the need for those advocating a religious position to “appear credible to the target audience”<sup>45</sup> – a particularly difficult task in the face of “narrative images of Bible-inspired groups who seek to persuade that anything biblical is *eo ipso* good.”<sup>46</sup> Instead “credibility to a secular target audience depends upon establishing an image of senders who, whatever their private commitments, are prepared to enter the public debate on the criteria only of social utility.”<sup>47</sup> ‘Social utility’ as an exclusive criteria for public communication is to be distinguished from social utility as a criteria for policy assessment. Jackson’s point is that religious participants in the public square may draw on (say) biblical texts in shaping their internal analysis of policy assessment but social utility should determine how those viewpoints and arguments are presented.

Habermas’ requirement that religious-based concerns must be translated and Jackson’s argument that social utility is necessary to effectively influence policy debate both tend to exclude religious values *qua* religious values from the public square. In practice following these communicatory strategies is fairly straightforward most of the time. Certainly it would be disingenuous for religious participants to put forward an argument based on social utility on purely tactical grounds, especially if one thought the particular argument for social utility were false. And in those cases where one believes that a particular argument

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<sup>40</sup> Graham, *Rock And A Hard Place*, 49.

<sup>41</sup> “Religious citizens who regard themselves as loyal members of a constitutional democracy must accept the translation proviso as the price to be paid for the neutrality of state authority toward competing worldviews”; Habermas, J. ““The Political””, *The Rational Meaning of a Questionable Inheritance of Political Theology*, in *The Power of Religion in the Public Square*, J. Habermas et. al. (New York: Columbia University Press, 2011), 15-33 (26).

<sup>42</sup> Aroney, “Divine law,” 675.

<sup>43</sup> Graham, *Rock And A Hard Place*, rightly observes that the process of translation is “governed by criteria of comprehensibility and credibility that are not of their [i.e. contributors’] making” (49).

<sup>44</sup> The phrase is Graham’s, *Rock And A Hard Place*, 102.

<sup>45</sup> Bernard Jackson, ‘On the values of biblical law and their contemporary application,’ *Political Theology* 14 (2013), 602-618, 616.

<sup>46</sup> Jackson, ‘On the values of biblical law,’ *ibid*.

<sup>47</sup> *Ibid*. I am grateful to Prof. Jackson for expanding on his thoughts as expressed in his article in a series of personal communications. Our exchange of views has been usefully incorporated into the following sections.

is both validated by a religious ethic and by an argument from social utility (assuming the two are entirely distinct), to advocate only on the basis of social utility (because of the audience one is addressing) is a legitimate choice to be made on pragmatic grounds. Religious participants do this all the time. Today, as I write this article, the Keep Sunday Special campaign is opposing the Government's proposed Enterprise Bill partly on the grounds that extending Sunday trading would be bad for workers and the economy whilst Christian Concern fights against prosecuting street preachers on the grounds of free speech. On Jackson's approach, the religious voice would only be silenced in the public square in cases of complete conflict between a religious position and any possible justification of it on social utility grounds.

But even though such cases may be difficult to imagine, there are plenty of examples where religious participants believe their strongest arguments, nevertheless, are made from a faith position regardless of whether they can be supported by social utility. The recent public debate in the UK around the redefinition of marriage did not, for the most part, center on arguments of social utility (although some campaigners drew on social-scientific data regarding the effects of divorce upon children to warn against further radical changes to defining 'family').<sup>48</sup> Instead contributions were made from church, synagogue and mosque (not with a united voice, to be sure) on the basis of explicit appeal to sacred texts. Perhaps social utility arguments should have been more prominent in this particular debate: my point here is that applying the criteria of social utility can have the effect of screening out what religious parties most want to say.

To suggest that arguments should be expressed purely on the basis of social utility carries with it the suggestion, whether intended or not, that faith-based contributions are to be valued only to the extent they have demonstrable instrumental benefit. This is problematic when their real value lies precisely in the fact that their contribution is non-instrumental. Using social utility as an exclusive criteria for public communication creates an uneven playing field. Let me take a provocative but real-life example. It has recently emerged that thousands of unborn fetuses have been burnt in "waste-to-energy" incinerators to heat hospitals in England and Wales.<sup>49</sup> It is not hard to claim, especially in a period of austerity, that NHS trusts are obliged to make the most efficient use of scarce resources. Here, social utility has the advantage since there is no reason, on utilitarian grounds, to object to using unborn fetuses in this way. In this discourse strategy what goes unexpressed is the viewpoint that the unwanted fetus is something more than combustible material. Of course, this does not prevent religious-based parties from coming up with some 'social utility' argument (e.g. lack of appropriate consultation with certain mothers). But it does prevent them from expressing what they most care about because it does not fit the criteria. There may well be (following Jackson) a pragmatic argument for avoiding such issues in order to preserve the credibility of the 'sender' in wider issues where there is no such conflict. Yet the place where conflict between religious-based reasoning and social utility is starkest is surely where the religious voice most needs to be heard. And there are still areas where even secularists may be open to non-utilitarian arguments. In debates over abortion for example, there are grounds for thinking that appeal to the overriding value of human life – despite a secularized conception of 'sanctity' – may sway even some secularists.

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<sup>48</sup> Lynn D. Wardle (ed.), *What's the Harm? Does legalizing same-sex marriage really harm individuals, families or society?* (New York: University Press of America, 2008).

<sup>49</sup> Douglas Murray, "Ethics for atheists," *The Spectator* 19<sup>th</sup> April 2014, 16.



Much depends on objectives and means and the relationship between them. If the objective is to influence debate on a particular area of social policy where the criteria of the policy-makers are predominantly secular and instrumental then using overtly faith-based arguments is self-defeating. If, on the other hand, the objective is to bear witness to faith-based values in the face of competing secular values, faith-based arguments are essential. Yet, even here, bearing effective witness means getting predominantly secular and instrumental policy-makers to accept the credibility of faith-based arguments. In sum, liberalism should not 'bracket out' theological beliefs and religious participants should not rely purely on faith-based arguments.

Ultimately, both religious and secular participants have to grapple with the fragmented and contested "multiple modernities"<sup>50</sup> that characterize the public square. Neither can assume a secular *modus vivendi*. Contrary to Peter Berger's 'secularisation thesis' (which held that as Western society modernized it would become more secular) we find, confusingly and incompatibly, a greater visibility of religion in public life in the UK.<sup>51</sup> Yet although Berger himself now speaks of a process of desecularisation<sup>52</sup> this hardly describes British society in the early twenty-first century, either. There is no 'religious revival': religion is simultaneously growing, declining and mutating.<sup>53</sup> The fairest thing to conclude, probably, is that we live in a society where everything is happening at once. We could call it the 'multiplex society' where secularism is on the rise – but so is religion; where Government wants to partner with faith-based activism – but also tell them what to believe; and where religion is firmly in the public square – but its legitimacy is rejected.

What lies beyond this strange frontier is anyone's guess. Elaine Graham suggests the world beyond is one where "no single world-view predominates and [where] the spaces of shared discourse may be few."<sup>54</sup> In this fragmented world there is even less reason to privilege the secular as the target audience. We are a long way from Rawls' belief in the politics of a community with shared perspective. Perhaps one way of capturing the current contradictions is to characterize the emerging climate as "both more sceptical and more pluralist and yet in some respects... more receptive to the language of values."<sup>55</sup> This new world, Graham suggests, may require "a more explicit level of self-justification on the part of religious actors"<sup>56</sup> – and, I would add, on the part of any actor. Fragmentation suggests there will be pockets of receptivity although appropriating effective language for each audience and situation will not be easy.

For these reasons I take it as read that communicating biblical law in the public square means addressing multiple publics. In doing so we remind ourselves that communicating biblical law has – right from the start – always involved speaking into a conflicted world.<sup>57</sup> Even the audience gathered to receive *Torah* at Sinai was not monochromatic in its assumptions about

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<sup>50</sup> S. N. Eisenstadt, "The reconstruction of religious arenas in the framework of 'multiple modernities'," *Millennium: Journal of International Studies* 29 (2000): 591-611.

<sup>51</sup> If faith-based organisations can be routinely involved in the practical delivery of welfare provision (as they are now in the UK) why can they not be equally involved in formulating actual policy, since the one informs the other?

<sup>52</sup> Peter Berger, "The Desecularisation of the World: A Global Overview," in *The Desecularisation of the World: Resurgent Religion and World Politics* (Grand Rapids: Eerdmans, 1999), 1-18.

<sup>53</sup> Graham, *Rock And A Hard Place*, 3.

<sup>54</sup> Graham, *Rock And A Hard Place*, 103.

<sup>55</sup> Graham, *Rock And A Hard Place*, xxvii.

<sup>56</sup> *Ibid.*

<sup>57</sup> McConville, "Human formation," 637.



the nature of the world, or where truth was to be found, or what it meant to live a worthwhile life. (Should we have any doubts about that the story of the golden calf will set us straight). Communicating biblical law has always involved recognising and surmounting difference through argument, appeal and persuasion.<sup>58</sup>

**(c) Biblical law in a contested world**

Such acts of communication extend even to peoples beyond Israel. Deut. 4:5-8 indicates, strikingly, that Israel is obliged to communicate the wisdom of *Torah* to the surrounding nations, even though they do not share what would nowadays be called Israel's 'private commitment' to the deity.<sup>59</sup> Even (or especially) after 40 years in the wilderness, Israel is exhorted to positive political engagement with the nations. Moreover, the reference to "the peoples" in verse 6 includes even those people-groups with whom Israel is in armed conflict. Deut. 4:5-8 thus envisages the potential for persuasive communication even in the most hostile of political contexts.

"See, I have taught you statutes and rules, as the LORD my God commanded me, that you should do them in the land that you are entering to take possession of it. Keep them and do them, for that will be your wisdom and your understanding in the sight of the peoples, who, when they hear all these statutes, will say, 'Surely this great nation is a wise and understanding people.' For what great nation is there that has a god so near to it as the LORD our God is to us, whenever we call upon him? And what great nation is there, that has statutes and rules so righteous as all this law that I set before you today?" (Deut. 4:5-8; Moses speaking).

The key point is that Israel communicates divine laws to the nations through practical action ("keep them and do them"). Although there is no reason to think either teaching or instruction (as opportunity permits) is excluded, it is only when Israel herself follows *Torah* that *Deuteronomy* expects the nations to respond positively and enthusiastically.<sup>60</sup> The criteria of practical action reminds us that, contrary to the claims of modern biblical scholars, biblical law is not presented as utopian or élitist. It is always presented as practical and populist<sup>61</sup> (even though it may not always be popular). This means that the virtue of *Torah* is publicly ascertainable – even to those outside the faith community.

As far as *Deuteronomy* is concerned, then, the criteria for successful communication in a pluralist context is practical action. It is easy to miss the counter-cultural critique that is involved in this criteria. The requirement that Israel should communicate *Torah* through

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<sup>58</sup> A particular theme of Raymond Watts' work, e.g. *Reading Law: The Rhetorical Shaping of the Pentateuch* (Sheffield: Sheffield Academic Press, 1999).

<sup>59</sup> Thomas Kruger, helpfully points out that Deut. 4:5-8 presumes that the nations in general are actively involved in comparing and evaluating their laws with those of other peoples and that Israel desires recognition among the nations, which in turn suggests that YHWH is concerned about the wellbeing of the nations ('Law and wisdom according to Deut. 4:5-8' in Bernd Schipper and D. Andrew Teeter, 2013. *Wisdom and Torah* Leiden: E. J. Brill).

<sup>60</sup> Notably the nations' observation does not lead them to conclude the laws are bad, or evil. It may well be the case that part of the reason why a negative view has been allowed to form about biblical law is because, for example, the Christian church has not engaged in practical action that reflects the concerns of biblical justice. It is hard to do this, of course, when the texts themselves are ignored and misunderstood within the church. It is notable that when it has tried to do so, as in the Jubilee 2000 campaign, the results were powerfully effective.

<sup>61</sup> E.g. although scholars have claimed that the biblical food laws have no basis in practice, I argue they are intended to be thoroughly practical and widely used by ordinary people; Jonathan Burnside, 'At Wisdom's Table: How Narrative Shapes the Biblical Food Laws and their Social Function,' *Journal of Biblical Literature*, forthcoming.

publicly-observable deeds is quite unlike, say, Hammurabi's own commendation of himself and his laws.<sup>62</sup> Actions speak louder than words – even, so it would seem, words spoken in thunder from Mount Sinai. It is also easy to overlook how this counter-cultural criteria is accepted by the nations as the basis for praising Israel's behaviour. Within the ruling ideology of the ANE, the royal jurisdiction and its legal collections showcased the righteousness and justice of the national ruler.<sup>63</sup> By analogy we would expect the nations to praise Israel's national ruler, YHWH. But although YHWH's explicit praise in Israel is referenced in verse 7, the nations' recognition focuses on the wisdom of the people who follow the laws. This does of course imply the righteousness of the laws themselves<sup>64</sup> and, presumably, their originator. Nevertheless, the emphasis is on the people themselves, not the laws or the deity.

This is, of course, a thoroughly Jewish form of political engagement, although I recognize that, for some Jewish scholars, the claim that *Torah* is in any sense 'for' a wider constituency is thought to undermine the exclusivity of the laws vouchsafed for Israel. From there it is only a short move to labelling a work such as *GJS* as supersessionist Christian propaganda (I've had that), although my views are merely compatible with the long tradition of Jewish natural law.<sup>65</sup> The larger point is that *Deuteronomy*, at any rate, clearly knows of a bigger picture. It is precisely because Israel's covenantal God is also the God of creation who summons the nations of the world to serve and worship Him that *Deuteronomy* can envisage a necessary overlap between Israel's faithful obedience to *Torah* and the comprehension – even the praise! – of the nations. Israel does not have to stop thinking and behaving as the chosen people of God to have something to say to the world. Nor does she have to abandon Jewish and biblical categories to have an intelligible message. On the contrary, it is as Israel fulfils her vocation to be distinctive that she speaks most powerfully to those who do not share her worldview. *Deuteronomy* does not, of course, exhaust the possibilities for Jewish political engagement. But Deut. 4:5-8 is important because it claims that, as Israel reflects God's wisdom into the world, this will be seen and understood as such by the nations. There is sufficient common ground in Israel's display of wisdom that its practice, appropriate to that time and place, becomes the ideal form of communication. And though this is perhaps a subject for exploration another time, we can ask whether this sense of inclusion and fraternity *vis à vis* the nations radically extends *Deuteronomy's* own, oft-remarked, theme of inclusion and brotherhood.

In this way, Deut. 4 envisages and enjoins communication to peoples outside the faith community, some of whom may well be hostile. Moreover, it does so using counter-cultural criteria that is nevertheless expected to be perfectly comprehensible and effective so long as it is instantiated in practical action.<sup>66</sup> Exploring connections between biblical law and the world

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<sup>62</sup> Of course, Hammurabi's message is appropriate for the medium on which it is presented (i.e. a ceremonial stela to be displayed in a public place). Nevertheless, that is still the message.

<sup>63</sup> As demonstrated in the Hammurabi stela itself.

<sup>64</sup> Kruger, "Law and wisdom," 48.

<sup>65</sup> E.g. David Novak, *Natural Law in Judaism* (Cambridge: Cambridge University Press, 1998) and cited in *GJS* at 78, 83.

<sup>66</sup> Of course the counter-argument could be made that biblical Israel, as an independent people-state, had the political ability to pursue its practical implementation of *Torah*. Modern-day advocates have no such luxury so any question of question of 'being practical' is irrelevant. But again we do not have to conceive of the issues in an 'all or nothing' manner. Nor do we have to think of political engagement primarily in terms of national legislation. Naturally opportunities will vary from one time and place to another but there is always the potential to point to something either that works differently or which *could* work differently. What matters is to bear witness to a practical alternative.

is not without problems and risks but it remains an important task nonetheless and one that is full of potential. Therefore, in reply to Nevader's question: "what the appropriate platforms are for the multilayered and bold manifesto that Burnside is putting forward?"<sup>67</sup> I should say: any and every platform where people are concerned for healthy cities; good governance; family policy; welfare for vulnerable individuals; debt and monetary systems; immigration and prison policy to name but a few. Why shouldn't the ban on interest raise hard questions for our domestic financial system? Why can't the biblical environmental laws raise questions about animal cruelty? Why shouldn't the biblical vision of justice question our penal policy? Is it true that we should care for the weak? Is it true that we should divide up the powers of government and make them accountable? Is it true that there are external reference points to our human identities? If these things are indeed true why shouldn't we champion them with all the resources at our disposal – and this includes, particularly for us and our history – those of biblical law? (Even though this will, sadly, mean contending for these truths over against parts of the church that believe otherwise).<sup>68</sup>

Recognising this angle of vision is in comparative infancy in contemporary scholarship and a great deal of work needs to be done at different levels.<sup>69</sup> But we are not clueless about what this practical application might look like. The work of organisations such as the Jubilee Centre, KLICE and the Relationships Foundation and Relational Research (to limit ourselves just to the UK) show the viability of applied biblical thinking on some of these topics, of which *Jubilee Manifesto* still remains the most prominent work.<sup>70</sup> And should these examples of application, when combined with commentary on various other issues in *GJS*, show that biblical law resists being collapsed into either a left-wing or right-wing position, so much the better. Why should we expect the political slogans of our own day to do justice to the complexities of biblical law?<sup>71</sup>

It certainly resonates with how I have chosen to present the issues in *GJS*. First, communicating biblical law is not simply a matter of promoting a private and peculiar 'Jewish' or 'Christian' morality. It is about advocating what those of other traditions – whether in the second millennium BC or the third millennium AD – know to be wise

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<sup>67</sup> Nevader, "At the end," 626.

<sup>68</sup> It does not surprise me in the least that parts of the church are opposed to the teaching of biblical law since one of the bastions of power that biblical law exists to challenge and unsettle is the established church itself.

<sup>69</sup> There are many different levels of engagement some of which may, it is true, be subject to legal regulation. But that does not mean we do not always have to start there. We must not run away with the idea that the only way in which biblical law 'applies' is at the level of legislation. Grass-roots initiatives may be at least more important. Examples might include the charities Allia (formerly Citylife which issues bonds to enable investment in social housing and to finance a range of social inclusion initiatives, including construction skills training), the Marriage Foundation, the Newick Park Initiative in Rwanda, the Sudan and South Africa (which, *inter alia*, helped to establish informal and confidential dialogue between leading members of the African National Congress (ANC) and the white establishment in South Africa prior to the fall of apartheid) and the Relational Schools Project. Volf, *A Public Faith*, 93 rightly says that "... Christian identity in a culture is always a complex and flexible network of small and large refusals, divergences, subversions, and more or less radical and encompassing alternative proposals and enactments, surrounded by the acceptance of many cultural givens... To live as a Christian means to keep inserting a difference into a given culture without ever stepping outside that culture to do so."

<sup>70</sup> Michael Schluter and John Ashcroft (eds.). *Jubilee Manifesto* (Leicester: InterVarsity Press/Jubilee Centre, 2005).

<sup>71</sup> To this extent the study of biblical law provides a valuable corrective to the Anglican tendency to respond to issues from a left-of-centre position. For a recent example the Archbishop of York, John Sentamu, edited *On Rock Or Sand: Firm Foundations for Britain's Future* (London: SPCK, 2015) which was intended, *inter alia*, as guidance to the Christian electorate in the 2015 General Election. Perhaps tellingly the book refers to the state, politics and government action hundreds of times but mentions the word "marriage" only once.

behaviour. Second, biblical radicalism must be applied. It has to be fleshed out in compelling, real-life situations, whether applicable policies, grass-roots initiatives or campaigns. Examples from the Jubilee Centre's own recent history include the Sunday campaign; international peace-building in South Africa; action to limit consumer debt; tackling urban unemployment through 'employment bonds' and the development of 'relational health audits.'<sup>72</sup> This takes us back to the previous section regarding the contemporary application of biblical law. We can engage and be relevant without capitulating to the culture. We certainly need what Northcott calls 'communities of practice' but we still have to identify the substantive practice.<sup>73</sup> We can't get around the basic task of making sense of the texts, engaging with the real world issues, standing back and looking at the results and getting stuck back in again. If in our strange new world we are going to struggle to connect around questions of faith and the public square then we might as well try to do so with the very resources that have largely made the West what it is. And since it has been communicated successfully in the past we have grounds for hope for the future.

## Conclusion

The failure of many generations of scholars to glimpse the complexity and relevance of biblical law is a measure of how inadequate such readings have been and helps to explain, in part, the prejudice against it. Nevertheless the Bible itself provides ways towards a fresh integration of faith and politics. *GJS* is a small part of that wider engagement of seeking to relate biblical wisdom to contemporary concerns. I hope the discussion will stimulate others to dig deeper and take matters further through practical and campaigning action at every level of society. In doing so, we have to start where we are: there is no 'green-field' site. There is no question of going back to 'lost' religious values and we should probably not expect a re-enchanting modernity either.<sup>74</sup> But we are not compelled to capitulate to the current postmodern mood that we must, henceforward, neglect biblical law. It is time to beat the sword of suspicion into the ploughshare of discernment and to consider how these texts might form the basis of an integrated public policy, speaking into applied situations in a manner that can be widely appreciated.

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<sup>72</sup> Michael Schluter. 'Case studies.' In *Jubilee Manifesto*, 305-326.

<sup>73</sup> Michael S. Northcott. 'Farmed salmon and the sacramental feast: How Christian worship resists global capitalism.' In William Storrar and Andrew Morton. 2004. *Public Theology for the Twenty-First Century* (London: T&T Clark), 213-230.

<sup>74</sup> Graham, *Rock And A Hard Place*, xxvii.